

12 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FAEGRE & BENSON LLP
PATENT DOCKETING
2200 WELLS FARGO CENTER
MINNEAPOLIS MN 55402

In re Application of :
GREEN :
Application No.: 10/550,629 : DECISION ON
PCT No.: PCT/US04/04675 :
Int. Filing Date: 17 February 2004 : PETITION UNDER
Priority Date: 24 February 2003 :
Attorney Docket No.: 75196-321978 : 37 CFR 1.137(b)
For: TRANSLUCENT SOLID MATRIX ASSAY :
DEVICE FOR MICROARRAY ANALYSIS :
:

This decision is in response to applicant's submission filed 21 September 2005.

BACKGROUND

On 17 February 2004, applicant filed international application PCT/US04/04675 which designated the U.S. and claimed a priority date of 24 February 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 10 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 24 August 2005.

On 21 September 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 21 September 2005.

As to item (2), applicant submitted the petition fee on 21 September 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventor filed 21 September 2005 is in compliance with 37 CFR 1.497(a)-(b). The surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage has been charged to Deposit Account 06-0029.

CONCLUSION

The petition under 37 CFR 1.137(b) is GRANTED for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459